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EXAMINER

SERRAO, RANODHI N

ART UNIT

PAPER NUMBER

2141

DATE MAILED: 07/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/057,204

Applicant(s)

AYRES ET AL.

Examiner

Ranodhi Serrao

Art Unit

2141

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-5,9-13,16 and 18-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-5,9-13,16 and 18-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 06 June 2006 have been fully considered but they are not persuasive.
2. The applicant argued that regarding claim 1, Thomasson and Shintani, alone or in combination, do not teach, disclose or suggest a multimedia distribution kiosk including a presence detection module. However, the examiner points out that Shintani does teach a presence detection module as per the applicant's disclosure. ¶ 30 of the instant application's disclosure states, "[The presence detection module 114] can be implemented with a Bluetooth connection synchronization profile associated with a particular user that has subscribed for MDK service (i.e., a subscriber)... There are many ways to detect the presence in such sense, such as using a Bluetooth connection." Shintani teaches a subscriber in ¶ 5, and the subscriber can be a wireless user as stated in ¶ 16. The system therefore must detect the presence of a subscriber when the subscriber chooses to download. In effect, Shintani teaches the invention as claimed.
3. The applicant furthermore argued that regarding claim 16, Thomasson and Shintani, alone or in combination, do not teach, disclose or suggest a method including receiving a request for multimedia content on a first multimedia distribution unit, and caching the desired downloaded multimedia content on a second multimedia distribution unit. However, the examiner points out that Shintani teaches downloading and caching interactive content and Thomasson teaches a method of processing multimedia data

including providing remote access, to a first multimedia distribution unit, receiving a request to download multimedia content, and providing the downloaded desired multimedia content from the second multimedia distribution unit. Therefore it would be obvious to one of ordinary skill in the art to combine the above references to teach the claimed invention.

4. As per the arguments concerning claim 26, Shintani et al. and Kondou et al. teach the claimed limitations. See below rejections.

5. The examiner points out that the pending claims must be "given the broadest reasonable interpretation consistent with the specification" [In re Prater, 162 USPQ 541 (CCPA 1969)] and "consistent with the interpretation that those skilled in the art would reach" [In re Cortright, 49 USPQ2d 1464 (Fed. Cir. 1999)]. In conclusion, upon taking the broadest reasonable interpretation of the claims, the cited references teach all of the claimed limitations. And the rejections are reaffirmed. See below.

Claim Rejections - 35 USC § 103

6. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

7. Claims 1, 3, 4, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thomasson et al. (6,205,473) and Shintani et al. (2002/0095687).

8. As per claim 1, Thomasson et al. teaches a multimedia distribution kiosk comprising: a first communication interface configured to receive, from a remote user, a multimedia request at a first speed (see Thomasson et al., col. 6, lines 10-32 and col. 4,

lines 44-53); a second communication interface configured to communicate with a multimedia content server at a second speed that is faster than the first speed (see Thomasson et al., col. 5, lines 5-17). But fails to teach a presence detection module; a cache memory, and a processor coupled to the first and second communication interfaces and the cache memory; and configured to detect the presence of the wireless user, to receive an indication of the multimedia requests from the first communication interface; the processor being configured such that if the multimedia request is a request to download multimedia content, then the processor will communicate information relating to the indicator of the multimedia requests to the multimedia content server through the second communication interface in response to receiving the requests, obtain the requested multimedia content through the second communication interface, store the requested multimedia content in the cache memory, provide the requested multimedia content to the wireless user as desired, the processor further configured such that if the multimedia request is a request to upload multimedia content, then the processor will receive a multimedia upload information from the wireless user through the first communication interface, connect to a multimedia content receiver, and transfer the multimedia upload information to the multimedia content receiver through the second communication interface. However, Shintani et al. teaches a presence detection module (see Shintani, ¶ 6); a cache memory, and a processor coupled to the first and second communication interfaces and the cache memory (see Shintani et al., ¶ 37); and configured to detect the presence of the wireless user, to receive an indication of the multimedia requests from the first communication interface (see Shintani et al., ¶

Art Unit: 2141

16 and ¶ 40); the processor being configured such that if the multimedia request is a request to download multimedia content, then the processor will communicate information relating to the indicator of the multimedia requests to the multimedia content server through the second communication interface in response to receiving the requests (see Shintani et al., ¶ 42), obtain the requested multimedia content through the second communication interface (see Shintani et al., ¶ 42), store the requested multimedia content in the cache memory (see Shintani et al., ¶ 39), provide the requested multimedia content to the wireless user as desired (see Shintani et al., ¶ 44), the processor further configured such that if the multimedia request is a request to upload multimedia content (see Shintani et al., ¶ 42), then the processor will receive a multimedia upload information from the wireless user through the first communication interface (see Shintani et al., ¶ 42), connect to a multimedia content receiver, and transfer the multimedia upload information to the multimedia content receiver through the second communication interface (see Shintani et al., ¶ 15 and ¶ 21). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Thomasson et al. to a presence detection module; a cache memory, and a processor coupled to the first and second communication interfaces and the cache memory; and configured to detect the presence of the wireless user, to receive an indication of the multimedia requests from the first communication interface; the processor being configured such that if the multimedia request is a request to download multimedia content, then the processor will communicate information relating to the indicator of the multimedia requests to the multimedia content server through the second

communication interface in response to receiving the requests, obtain the requested multimedia content through the second communication interface, store the requested multimedia content in the cache memory, provide the requested multimedia content to the wireless user as desired, the processor further configured such that if the multimedia request is a request to upload multimedia content, then the processor will receive a multimedia upload information from the wireless user through the first communication interface, connect to a multimedia content receiver, and transfer the multimedia upload information to the multimedia content receiver through the second communication interface in order to provide a useful interactive experience to the user by downloading of the page corresponding to the URL occur as quickly as possible (see Shintani et al., ¶ 3).

9. As per claim 3, Thomasson et al. and Shintani et al. teach the mentioned limitations of claim 1 above, but Shintani et al. fails to teach the processor is configured to provide the multimedia content to the user from the multimedia content provider in real time or near-real time. However, Thomasson et al. teaches the processor is configured to provide the multimedia content to the user from the multimedia content server in real time or near-real time (see Thomasson et al., col. 1, line 65-col. 2, line 8).

10. As per claim 4, Thomasson et al. and Shintani et al. teach the mentioned limitations of claim 1 above, but Shintani et al. fails to teach the processor is configured to provide the multimedia content through a user interface, the user interface including at least one of a third communication interface, and a digital storage device configured to store digital data on a tangible medium. However, Thomasson et al. teaches the

processor is configured to provide the multimedia content through a user interface (see Thomasson et al., col. 4, lines 9-43), the user interface including at least one of a third communication interface, and a digital storage device configured to store digital data on a tangible medium (see Thomasson et al. col. 8, line 57-col. 9, line 11).

11. As per claim 16, Thomasson et al. teaches a method of processing multimedia data, the method comprising: receiving a multimedia option from the user (see Thomasson et al., col. 8, line 57-col. 9, line 11); communicating with the device remotely at a first rate to provide to the user multimedia options, and to receive a selection by the user of desired multimedia content (see Thomasson et al., col. 4, lines 44-53); communicating information related to the selection to the multimedia server in response to receiving the selection (see Thomasson et al., col. 4, lines 9-43); communicating with the multimedia server to download the desired multimedia content at a second rate to a second multimedia distribution unit, wherein the second rate is faster than the first rate (see Thomasson et al., col. 5, lines 5-17); if the multimedia option is a request to upload multimedia content (see Thomasson et al., col. 10, lines 45-57). But fails to teach detecting the presence of at least one wireless device; providing remote access, by the at least one wireless device associated with a user, to a first multimedia distribution unit; if the multimedia option is a request to download multimedia content; communicating with the at least one wireless device; a list indicative of multimedia content; caching the downloaded desired multimedia content in a the second multimedia distribution unit; and providing the downloaded desired multimedia content from the second multimedia distribution unit; receiving a multimedia upload information from the wireless device;

Art Unit: 2141

connecting to a multimedia content receiver; and transferring the multimedia upload information to the multimedia content receiver from the user device. However, Shintani et al. teaches detecting the presence of at least one wireless device (see Shintani, ¶ 16); providing remote access, by the at least one wireless device associated with a user, to a first multimedia distribution unit (see Shintani, ¶ 40); if the multimedia option is a request to download multimedia content (see Shintani et al., ¶ 38); communicating with the at least one wireless device (see Shintani, ¶ 40); a list indicative of multimedia content (see Shintani et al., ¶ 15); caching the downloaded desired multimedia content in a the second multimedia distribution unit (see Shintani et al., ¶ 5); and providing the downloaded desired multimedia content from the second multimedia distribution unit (see Shintani et al., ¶ 6); receiving a multimedia upload information from the wireless device (see Shintani et al., ¶ 27); connecting to a multimedia content receiver; and transferring the multimedia upload information to the multimedia content receiver from the user device (see Shintani et al., ¶ 15 and ¶ 21). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Thomasson et al. to detecting the presence of at least one wireless device; providing remote access, by the at least one wireless device associated with a user, to a first multimedia distribution unit; if the multimedia option is a request to download multimedia content; communicating with the at least one wireless device; a list indicative of multimedia content; caching the downloaded desired multimedia content in a the second multimedia distribution unit; and providing the downloaded desired multimedia content from the second multimedia distribution unit; receiving a multimedia upload information from the wireless device;

connecting to a multimedia content receiver; and transferring the multimedia upload information to the multimedia content receiver from the user device in order to provide a useful interactive experience to the user by downloading of the page corresponding to the URL occur as quickly as possible (see Shintani et al., ¶ 3).

12. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Thomasson et al. (6,205,473) and Shintani et al. (2002/0095687) as applied to claims 1 and 4 above, and further in view of Landress et al. (2003/0191816). Thomasson et al. and Shintani et al. teach the mentioned limitations of claims 1 and 4 above but fail to teach wherein the user interface is the digital storage device and is configured to write digital data to at least one of a compact disc, a digital video disc, and a digital audio tape. However, Landress et al. teaches wherein the user interface is the digital storage device and is configured to write digital data to at least one of a compact disc, a digital video disc, and a digital audio tape (see Landress et al., paragraphs 0056 and 0147). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Thomasson et al. and Shintani et al. to a user interface is the digital storage device and is configured to write digital data to at least one of a compact disc, a digital video disc, and a digital audio tape in order to allow the users to be able to ship the disc to other users and allow them to play it (see Landress et al., paragraph 0148).

13. Claims 9-11, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thomasson et al. (6,205,473) and Shintani et al. (2002/0095687) as applied to claims 1, 4 and 11 above, and further in view of Nii (2002/0065730).

14. As per claim 9, Thomasson et al. and Shintani et al. teach the mentioned limitations of claim 1 above but fail to teach wherein the first interface is configured to receive the remote multimedia request for multimedia content through at least one of a wireless connection and a packet-switched wide-area network communication path. However, Nii teaches wherein the first interface is configured to receive the remote multimedia request for multimedia content through at least one of a wireless connection and a packet-switched wide-area network communication path (see Nii, paragraph 0031). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Thomasson et al. and Shintani et al. to a first interface is configured to receive the remote multimedia request for multimedia content through at least one of a wireless connection and a packet-switched wide-area network communication path in order to provide ease of access between a portable device and an access point/kiosk (see Nii, paragraph 0065).

15. As per claim 10, Thomasson et al., Shintani et al., and Nii teach the mentioned limitations of claims 1 and 9 above but Thomasson et al. and Shintani et al. fail to teach wherein the first interface is configured to communicate wirelessly according to at least one of the Bluetooth (IEEE 802.11) protocol, the HiperLAN (IEEE 802.11a) protocol, the U-NII protocol, the IEEE 802.11a, and the IEEE 802.11b protocol. However, Nii teaches wherein the first interface is configured to communicate wirelessly according to at least

one of the Bluetooth (IEEE 802.11) protocol, the HiperLAN (IEEE 802.11a) protocol, the U-NII protocol, the IEEE 802.11a, and the IEEE 802.11b protocol (see Nii, paragraph 0065). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Thomasson et al. and Shintani et al. to a first interface is configured to communicate wirelessly according to at least one of the Bluetooth (IEEE 802.11) protocol, the HiperLAN (IEEE 802.11a) protocol, the U-NII protocol, the IEEE 802.11a, and the IEEE 802.11b protocol in order to provide ease of access between a portable device and an access point/kiosk (see Nii, paragraph 0065).

16. As per claim 11, Thomasson et al. and Shintani et al. teach the mentioned limitations of claim 1 above and furthermore Shintani et al. teaches if the indicator of the multimedia request is a request to download multimedia content (see Shintani et al., ¶ 42). But Thomasson et al. and Shintani et al. fail to teach wherein the processor is configured to use user information from the first communication interface to provide suggestions for multimedia associated with the user. However, Nii teaches wherein the processor is configured to use user information from the first communication interface to provide suggestions for multimedia associated with the user (see Nii, paragraph 0015). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Thomasson et al. and Shintani et al. to a processor that is configured to use user information from the first communication interface to provide suggestions for multimedia associated with the user in order to recommend selections that the user would most likely download (see Nii, paragraph 0015).

17. As per claim 13, Thomasson et al., Shintani et al., and Nii teach the mentioned limitations of claims 1 and 11 above but Thomasson et al. and Shintani et al. fail to teach wherein the first communication interface is configured to provide as the user information at least one of information derived by the first communication interface from handshaking for a communication between the first communication interface and the user, information associated with a transmitting device used by the user supplied to the first communication interface from the transmitting device, and information supplied to the first communication interface by the user. However, Nii teaches wherein the first communication interface is configured to provide as the user information at least one of information derived by the first communication interface from handshaking for a communication between the first communication interface and the user, information associated with a transmitting device used by the user supplied to the first communication interface from the transmitting device, and information supplied to the first communication interface by the user (see Nii, paragraph 0059). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Thomasson et al. and Shintani et al. to the first communication interface is configured to provide as the user information at least one of information derived by the first communication interface from handshaking for a communication between the first communication interface and the user, information associated with a transmitting device used by the user supplied to the first communication interface from the transmitting device, and information supplied to the first communication interface by the user in

order to allow a customer to download desired multimedia files (see Nii, paragraph 0060).

18. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Thomasson et al. (6,205,473), Shintani et al. (2002/0095687), and Nii (2002/0065730) as applied to claims 1 and 11 above, and further in view of Landress et al. (2003/0191816). Thomasson et al., Shintani et al., and Nii teach the mentioned limitations of claims 1 and 11 above but fail to teach the processor is configured to obtain the suggestions from the multimedia content server. However, Landress et al. teaches the processor is configured to obtain the suggestions from the multimedia content server (paragraph 0064: wherein ad information serves the function of suggestions). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Thomasson et al., Shintani et al., and Nii to a processor that is configured to obtain the suggestions from the multimedia content server in order to provide customized communication according to predetermined sequencing and incorporating personalized content (see Landress et al., paragraph 0064).

19. Claims 18-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thomasson et al. (6,205,473), Shintani et al. (2002/0095687), and Kondou et al. (6,073,075) as applied to claims 16 and 17 above, and further in view of Nii (2002/0065730).

20. As per claim 18, Thomasson et al., Shintani et al., and Kondou et al. teach the mentioned limitations of claim 16 above but fail to teach the method comprising obtaining user information to identify the user; using the user information to obtain recommendations of multimedia data likely to be desired by the user; and caching the recommendations; wherein the communicating with the user includes providing the recommendations to the user. However, Nii teaches the method comprising obtaining user information to identify the user; using the user information to obtain recommendations of multimedia data likely to be desired by the user (see Nii, paragraph 0016); and caching the recommendations (see Nii, paragraph 0075); wherein the communicating with the user includes providing the recommendations to the user (see Nii, paragraph 0020). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the above to a method comprising obtaining user information to identify the user; using the user information to obtain recommendations of multimedia data likely to be desired by the user; and caching the recommendations; wherein the communicating with the user includes providing the recommendations to the user in order to suggest media when a previous customer returns and indicate what the customer might like (see Nii, paragraph 0015).

21. As per claim 19, Thomasson et al., Shintani et al., Kondou et al., and Nii teach the mentioned limitations of claims 16 and 18 above but Thomasson et al., Shintani et al., and Kondou et al fail to teach a method of wherein the downloaded content is provided by at least one of wirelessly communicating with a user device associated with the user, communicating through a physical connection with the user device, and

storing the downloaded data on a storage medium and providing the medium to the user. However, Nii teaches a method of wherein the downloaded content is provided by at least one of wirelessly communicating with a user device associated with the user, communicating through a physical connection with the user device, and storing the downloaded data on a storage medium and providing the medium to the user (see Nii, paragraph 0053). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the above to a method of wherein the downloaded content is provided by at least one of wirelessly communicating with a user device associated with the user, communicating through a physical connection with the user device, and storing the downloaded data on a storage medium and providing the medium to the user in order to provide easy access and tailor information on a memory module which is separate from and releasably attachable to the terminal device (see Nii, paragraph 0017).

22. As per claims 20 and 24, Thomasson et al., Shintani et al., Kondou et al., and Nii teach the mentioned limitations of claims 16 and 18-19 above but Thomasson et al., Shintani et al., and Kondou et al fail to teach a method wherein the downloaded content is provided wirelessly by communicating with the user device using a short-range wireless protocol. However, Nii teaches a method wherein the downloaded content is provided wirelessly by communicating with the user device using a short-range wireless protocol (see Nii, paragraph 0065). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the above to a method wherein the downloaded content is provided wirelessly by communicating with the user device using

a short-range wireless protocol in order to provide ease of access between a portable device and an access point/kiosk (see Nii, paragraph 0065).

23. As per claims 21 and 25, Thomasson et al., Shintani et al., Kondou et al., and Nii teach the mentioned limitations of claims 16 and 18-20 above but Thomasson et al., Shintani et al., and Kondou et al fail to teach a method wherein short-range wireless protocol is at least one of the Bluetooth (IEEE 802.11) protocol, the HiperLAN (IEEE 802.11a) protocol, the U-NII protocol, the IEEE 802.11a, and the WLAN (IEEE 802.11b) protocol. However, Nii teaches a method wherein short-range wireless protocol is at least one of the Bluetooth (IEEE 802.11) protocol, the HiperLAN (IEEE 802.11a) protocol, the U-NII protocol, the IEEE 802.11a, and the WLAN (IEEE 802.11b) protocol (see Nii, paragraph 0065). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the above to a method wherein short-range wireless protocol is at least one of the Bluetooth (IEEE 802.11) protocol, the HiperLAN (IEEE 802.11a) protocol, the U-NII protocol, the IEEE 802.11a, and the WLAN (IEEE 802.11b) protocol in order to provide ease of access between a portable device and an access point/kiosk (see Nii, paragraph 0065).

24. As per claim 22, Thomasson et al., Shintani et al., Kondou et al., and Nii teach the mentioned limitations of claims 16 and 18-21 above but Thomasson et al., Shintani et al., and Kondou et al fail to teach a method wherein the downloaded content is provided by storing the downloaded data on a storage medium, and wherein the medium is one of a cassette tape, a compact disc, a digital video disc, a digital audio tape, and a memory chip. However, Nii teaches a method wherein the downloaded

content is provided by storing the downloaded data on a storage medium, and wherein the medium is one of a cassette tape, a compact disc, a digital video disc, a digital audio tape, and a memory chip (Paragraph 0016: wherein IC card functions as a memory chip). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the above to a method wherein the downloaded content is provided by storing the downloaded data on a storage medium, and wherein the medium is one of a cassette tape, a compact disc, a digital video disc, a digital audio tape, and a memory chip in order to deliver multimedia content in a convenient and economical, yet secure manner (see Nii, paragraph 0016).

25. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Thomasson et al. and Shintani et al. as applied to claim 16 above, and further in view of Nii (2002/0065730). Thomasson et al. and Shintani et al. teach the mentioned limitations of claim 16 above but fail to teach a system wherein the first and second multimedia distribution units are separate multimedia distribution unit. However, Nii teaches a system wherein the first and second multimedia distribution units are the same multimedia distribution unit (see Nii, paragraph 0080). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the above to a system wherein the first and second multimedia distribution units are separate multimedia distribution unit in order to deliver multimedia content in a convenient and economical, yet secure, manner (see Nii, paragraph 0016).

26. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kondou et al. (6,073,075), and Shintani et al.

27. As per claim 26, Shintani et al. teaches a system comprising: a multimedia server configured to provide multimedia data (see Shintani et al., ¶ 15); a multimedia receiver configured to receive multimedia data (see Shintani et al., ¶ 16); a distributed network of multimedia distribution devices coupled to the multimedia server and the multimedia receiver and configured to communicate with the server and receiver to transfer multimedia data (see Shintani et al., ¶ 16); wherein each multimedia distribution device is configured to wirelessly detect the presence of at least one user device (see Shintani et al., ¶ 16 and ¶ 40) and to invoke a payment process (see Shintani et al., ¶ 36). But fails to teach a system wherein the server is configured to provide multimedia data to a selected distribution device, and the receiver is configured to receive multimedia data from the selected distribution device, in accordance with future-location indicia indicative of a future location of the at least one user device. Kondou et al. teaches a system wherein the server is configured to provide the desired multimedia data to a selected distribution device, and the receiver is configured to receive multimedia data from the selected distribution device (see Kondou et al., col. 10, lines 49-62), in accordance with future-location indicia indicative of a future location of the at least one user device (see Kondou et al., col. 2, lines 1-25). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Shintani et al. to a system wherein the server is configured to provide the desired multimedia data to a selected distribution device, and the receiver is configured to receive multimedia data from the selected

distribution device, in accordance with future-location indicia indicative of a future location of the at least one user device in order to provide a communication method capable of providing the user with proper information on a real time basis (see Kondou et al., col.1, lines 59-63).

28. Claims 27-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shintani et al., Kondou et al., and Nii (2002/0065730).

29. As per claim 27, Shintani et al. and Kondou et al. teach the mentioned limitations of claim 26 above, but fail to teach a system wherein the distribution devices are configured to provide the multimedia data in a physical storage medium. However, Nii teaches a system wherein the distribution devices are configured to provide the multimedia data in a physical storage medium (see Nii, paragraph 0053). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the above to a system wherein the distribution devices are configured to provide the multimedia data in a physical storage medium in order to deliver multimedia content in a convenient and economical, yet secure, manner (see Nii, paragraph 0016).

30. As per claim 28, Shintani et al. and Kondou et al. teach the mentioned limitations of claims 26 and 27 above, but fail to teach a system wherein the medium is one of a cassette tape, a compact disc, a digital video disc, a digital audio tape, and a memory chip. However, Nii teaches a system wherein the medium is one of a cassette tape, a compact disc, a digital video disc, a digital audio tape, and a memory chip (see Nii, paragraph 0016: wherein IC card functions as a memory chip). It would have been

obvious to one having ordinary skill in the art at the time of the invention to modify the above to a system wherein the medium is one of a cassette tape, a compact disc, a digital video disc, a digital audio tape, and a memory chip in order to deliver multimedia content in a convenient and economical, yet secure, manner (see Nii, paragraph 0016).

31. As per claim 29, Shintani et al. and Kondou et al. teach the mentioned limitations of claim 26 above, but fail to teach a system wherein the wireless communication is according to a short-range wireless protocol. However, Nii teaches a system wherein the wireless communication is according to a short-range wireless protocol (see Nii, ¶ 7). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the above to a system wherein the wireless communication is according to a short-range wireless protocol in order to deliver multimedia content in a convenient and economical, yet secure, manner (see Nii, paragraph 0016).

32. As per claim 30, Shintani et al. and Kondou et al. teach the mentioned limitations of claim 26 above, but fail to teach a system further comprising a location server configured to provide present-location indicia indicative of a present location of the user device, and wherein the network is configured to communicate with the user device via a distribution device determined in accordance with the present location of the user device. However, Kondou et al. teaches a system further comprising a location server configured to provide present-location indicia indicative of a present location of the user device, and wherein the network is configured to communicate with the user device via a distribution device determined in accordance with the present location of the user device (see Kondou et al., col. 2, lines 26-52). It would have been obvious to one having

Art Unit: 2141

ordinary skill in the art at the time of the invention to modify the Shintani et al. to a system further comprising a location server configured to provide present-location indicia indicative of a present location of the user device, and wherein the network is configured to communicate with the user device via a distribution device determined in accordance with the present location of the user device in order to provide a communication method capable of providing the user with proper information on a real time basis (see Kondou et al., col.1, lines 59-63).

33. As per claim 31, Shintani et al. and Kondou et al. teach the mentioned limitations of claim 26 above, but fail to teach a system further comprising a location server configured to determine the future-location indicia in accordance with a present location of the user device, a present speed of travel and a present direction of travel. However, Kondou et al. teaches a system further comprising a location server configured to determine the future-location indicia in accordance with a present location of the user device, a present speed of travel and a present direction of travel (see Kondou et al., col. 13, lines 17-57). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the Shintani et al. to a system further comprising a location server configured to determine the future-location indicia in accordance with a present location of the user device, a present speed of travel and a present direction of travel in order to provide a communication method capable of providing the user with proper information on a real time basis (see Kondou et al., col.1, lines 59-63).

34. As per claim 32, Shintani et al. and Kondou et al. teach the mentioned limitations of claim 26 above, but fail to teach a system wherein each distribution device is

configured to provide suggestions of multimedia data to the user device wherein the suggestions are associated with a profile of a user, associated with the user device, and characteristics of multimedia data available through the server. However, Nii teaches a system wherein each distribution device is configured to provide suggestions of multimedia data to the user device wherein the suggestions are associated with a profile of a user, associated with the user device, and characteristics of multimedia data available through the server (see Nii, paragraph 0079). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the above to a system wherein each distribution device is configured to provide suggestions of multimedia data to the user device wherein the suggestions are associated with a profile of a user, associated with the user device, and characteristics of multimedia data available through the server in order to deliver multimedia content in a convenient and economical, yet secure, manner (see Nii, paragraph 0016).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ranodhi Serrao whose telephone number is (571)272-7967. The examiner can normally be reached on 8:00-4:30pm, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on (571)272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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